

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George Fry

Title: APPARATUS, AND
ASSOCIATED METHOD, FOR
EFFECTUATING A DATA
SERVICE DESIGNATED BY A
SERVICE DELIVERY MODE

Appl. No.: 10/767,451

Filing Date: 1/29/2004

Examiner: Taylor, Barry W.

Art Unit: 2617

Confirmation 3939
Number:

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated March 9, 2009, finally rejecting Claims 21, 22, 24-32, 38-42, 44-51 and 57-59.

☐ Applicant claims small entity status.

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

☒ Notice of Appeal Fee

☒ To be paid as detailed below

☐ Not required (Fee paid in prior appeal) The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$540.00
<input checked="" type="checkbox"/>	Extension for response filed within the first month:	\$130.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$670.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):	\$0.00
	TOTAL FEE:	\$670.00

The above-identified fees of \$670.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16, 1.17 and 41.20, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: July 9, 2009

By /G. Peter Albert, Jr./

FOLEY & LARDNER LLP
 Customer Number: 30542
 Telephone: (858) 847-6735
 Facsimile: (858) 792-6773

G. Peter Albert Jr.
 Attorney for Applicant
 Registration No. 37,268